

PROVIDING THAT CERTAIN PROFESSORS AT WEST POINT
SHALL NOT BE DEPRIVED OF CERTAIN BENEFITS

JUNE 20, 1956.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. KILDAY, from the Committee on Armed Services, submitted the
following

R E P O R T

[To accompany H. R. 4296]

The Committee on Armed Services, to whom was referred the bill (H. R. 4296) to provide that certain professors at West Point shall not be deprived of certain retirement benefits, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to provide that a professor at the United States Military Academy shall not be deprived of retirement benefits to which he was previously entitled prior to the enactment of the Officer Personnel Act of 1947.

Prior to the date of enactment of the Officer Personnel Act Regular Army officers and professors at the Military Academy retired for age were entitled to retired pay in an amount equal to 75 percent of their active duty base and longevity pay in the grade in which retired.

Under the provisions of subsection 514 (b), Officer Personnel Act of 1947, and section 412, Career Compensation Act of 1949, retirement pay based on constructive service was authorized for officers integrated into the Regular Army. The provisions of subsection 514 (b), Officer Personnel Act of 1947, relating to constructive service are not applicable to professors at the Academy. Currently there is one professor who was appointed from civilian life prior to August 7, 1947, affected by the proposed legislation. Because of his limited active-duty service prior to appointment, he will have less than 30 years of service creditable in the computation of retired pay at the time of his mandatory retirement. In effect, the provisions of the Officer Personnel Act of 1947 substantially reduced the amount of retired pay which had been authorized this individual at the time of his appointment.

There are at present 21 professors at West Point, of whom 18 are Regular Army officers and only 3 of whom have been appointed from civilian life as professors at West Point. One of the civilian appointed professors will benefit from the proposed legislation. The remaining civilian appointed professors can qualify for maximum retirement pay on the basis of length of service.

It is anticipated that enactment of the proposed legislation will result in an additional cost to the Department of the Army of approximately \$2,000 annually, following the retirement of the professor concerned.

The Department of Defense recommends enactment of the proposed legislation, as indicated by the following attached letter.

DEPARTMENT OF THE ARMY,
OFFICE OF THE SECRETARY OF THE ARMY,
Washington, D. C., April 24, 1956.

HON. CARL VINSON,
*Chairman, Committee on Armed Services,
House of Representatives.*

DEAR MR. CHAIRMAN: During the first session of the present Congress, H. R. 4296, a bill to provide that certain professors at West Point shall not be deprived of certain retired benefits, was introduced by the Honorable Leroy Johnson. This bill would permit professors of the United States Military Academy appointed to this position in the Regular Army before enactment of the Officer Personnel Act of 1947, to elect to receive monthly retired pay computed at the rate of 75 percent of their basic pay upon retirement because of attaining the age of 64 years. This bill was referred to the House Armed Services Committee.

Prior to enactment of the Officer Personnel Act of 1947, professors at the Military Academy retired for age were entitled to retired pay in an amount equal to 75 percent of their active duty basic pay in the grade retired. This authority was not continued in the Officer Personnel Act of 1947. There are three professors, USMA, who were appointed from civil life prior to August 7, 1947. Two of these professors will not have completed 30 years' active service at the time they attain age 64 and now find themselves with a prospect of retired income less than that which was authorized by statute at the time of this appointment.

A hearing on this bill was conducted by Subcommittee No. 2 on July 13, 1955. At that time, the Department of the Army recommended amendment to the bill to accord individuals appointed from civil life as professors, United States Military Academy, constructive service credit on a basis similar to that employed in the Regular Army integrations of 1946 and 1947. It was pointed out then that this amendment would provide flexibility in appointing professors, United States Military Academy, from among civilian educators when officers of the Regular Army were not qualified for appointment in particular teaching fields. The bill was not reported by the subcommittee.

To remedy the very obvious inequity pertaining to these individuals, the Department of the Army withdraws its previous proposed amend-

ments to H. R. 4296 and requests that the House Armed Services Committee reconsider this bill in the form originally introduced. Its passage is strongly recommended.

Sincerely,

C. J. HAUCK, Jr.,
Brigadier General, GS,
Chief of Legislative Liaison.

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Article 1. The Company of the New York and Hudson River Canal, created by the Act of the Legislature of the State of New York, passed on the 12th day of March, 1817, and confirmed by the Act of the Legislature of the State of New York, passed on the 12th day of March, 1817, is hereby confirmed and approved.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, at the City of New York, this 12th day of March, 1817.